

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Eggelletion offered the following:

**Amendment (with title amendment)**

On page 12, between lines 17 and 18

insert:

Section 5. Paragraphs (b) and (d) of subsection (3) of section 403.7046, Florida Statutes, are amended to read:

403.7046 Regulation of recovered materials.--

(3) Except as otherwise provided in this section or pursuant to a special act in effect on or before January 1, 1993, a local government may not require a commercial establishment that generates source-separated recovered materials to sell or otherwise convey its recovered materials to the local government or to a facility designated by the local government, nor may the local government restrict such a generator's right to sell or otherwise convey such recovered materials to any properly certified recovered materials dealer who has satisfied the requirements of this section. A local government may not enact any ordinance that prevents such a dealer from entering into a contract with a commercial

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1 establishment to purchase, collect, transport, process, or  
2 receive source-separated recovered materials.

3 (b) Prior to engaging in business within the  
4 jurisdiction of the local government, a recovered materials  
5 dealer must provide the local government with a copy of the  
6 certification provided for in this section. In addition, the  
7 local government may establish a registration process whereby  
8 a recovered materials dealer must register with the local  
9 government prior to engaging in business within the  
10 jurisdiction of the local government. Such registration  
11 process is limited to requiring the dealer to register its  
12 name, including the owner or operator of the dealer, and, if  
13 the dealer is a business entity, its general or limited  
14 partners, its corporate officers and directors, its permanent  
15 place of business, evidence of its certification under this  
16 section, and a certification that the recovered materials will  
17 be processed at a recovered materials processing facility  
18 satisfying the requirements of this section. All counties, and  
19 municipalities whose population exceeds 35,000 according to  
20 the population estimates determined pursuant to s. 186.901,  
21 may establish a reporting process which shall be limited to  
22 the regulations, reporting format, and reporting frequency  
23 established by the department pursuant to this section, which  
24 shall, at a minimum, include requiring the dealer to identify  
25 the types and approximate amount of recovered materials  
26 collected, recycled, or reused during the reporting period;  
27 the approximate percentage of recovered materials reused,  
28 stored, or delivered to a recovered materials processing  
29 facility or disposed of in a solid waste disposal facility;  
30 and the locations where any recovered materials were disposed  
31 of as solid waste. Information reported under this subsection

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1 which, if disclosed, would reveal a trade secret, as defined  
2 in s. 812.081(1)(c), is confidential and exempt from the  
3 provisions of s. 24(a), Art. I of the State Constitution and  
4 s. 119.07(1). The local government may charge the dealer a  
5 registration fee commensurate with and no greater than the  
6 cost incurred by the local government in operating its  
7 registration program. Registration program costs are limited  
8 to those costs associated with the activities described in  
9 this paragraph. Any reporting or registration process  
10 established by a local government with regard to recovered  
11 materials shall be governed by the provisions of this section  
12 and department rules promulgated pursuant thereto.

13 (d) In addition to any other authority provided by  
14 law, a local government is hereby expressly authorized to  
15 prohibit a person or entity not certified under this section  
16 from doing business within the jurisdiction of the local  
17 government; to enter into a nonexclusive franchise or to  
18 otherwise provide for the collection, transportation, and  
19 processing of recovered materials at commercial  
20 establishments, provided that a local government may not  
21 require a certified recovered materials dealer to enter into  
22 such franchise agreement in order to enter into a contract  
23 with any commercial establishment located within the local  
24 government's jurisdiction ~~such franchise or provision does not~~  
25 ~~prohibit a certified recovered materials dealer from entering~~  
26 ~~into a contract with a commercial establishment to purchase,~~  
27 collect, transport, process, or receive source-separated  
28 recovered materials; and to enter into an exclusive franchise  
29 or to otherwise provide for the exclusive collection,  
30 transportation, and processing of recovered materials at  
31 single-family or multifamily residential properties.

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1 ===== T I T L E    A M E N D M E N T =====

2 And the title is amended as follows:

3        On page 1, line 27

4 remove from the title of the bill: all of said line

5

6 and insert in lieu thereof:

7        amending s. 403.7046, F.S.; providing a  
8        limitation relating to the local government  
9        registration fee for recovered materials  
10       dealers; revising local government authority  
11       with respect to certain contracts between  
12       recovered materials dealers and local  
13       commercial establishments that generate  
14       source-separated materials; amending s.  
15       403.706, F.S.; authorizing counties

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